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1557 LAKE O'PINES STREET, NE
HARTVILLE OH 44632

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JUN 16 2006

OFFICE OF PETITIONS

In re Application of
Gary Karlin Michelson
Application No. 10/692,545
Filed: October 24, 2003
Attorney Docket No. 102.0003-05000

COPY

ON PETITION

This is a decision on the petition, filed June 13, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 18, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3731 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



PATENT
Attorney Docket No. 102.0003-05000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 1113
Gary Karlin Michelson)	
Serial No.: 10/692,545)	Group Art Unit: 3731
Filed: October 24, 2003)	Examiner: Uyen T. Ho
For: SYSTEM FOR RADIAL BONE)	
DISPLACEMENT)	Allowed: May 9, 2007

MS ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT OF SUBSTANCE OF INTERVIEW

A telephone interview between the undersigned and Examiner (Jackie) Tan-Uyen T. Ho was conducted on March 31, 2007. The pending claims were discussed in view of U.S. Patent No. 5,484,437 with regard to the possible submission of a Terminal Disclaimer to obviate obviousness-type double patenting. Agreement was reached that an obviousness-type double patenting rejection should not be made in view of the restriction between apparatus and method in the parent case on April 5, 1994.

It is requested that this document be made of record in the above-identified application.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: May 16, 2007

By: Thomas H. Martin
Thomas H. Martin
Registration No. 34,383

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Hartville, Ohio 44632
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FACSIMILE TRANSMITTAL

TO:**Name:** Mail Stop ISSUE FEE**Firm:** U.S. Patent & Trademark Office**Fax No.:** 571-273-2885**Subject:** U.S. Patent Application No. 10/692,545

Gary Karlin Michelson

Filed: October 24, 2003

SYSTEM FOR RADIAL BONE DISPLACEMENT

Attorney Docket No. 102.0003-05000

Customer No. 22882

Confirmation No. 1113

FROM:**Name:** Thomas H. Martin, Esq.**Phone No.:** 330-877-2277**No. of Pages (including this):** 6**Date:** May 16, 2007**Confirmation Copy to Follow:** No

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Submission of Issue Fee Transmittal Form with Form PTOL-85 (in duplicate) and copy of June 16, 2006 Decision, and Statement of Substance of Interview are being facsimile transmitted to the U.S. Patent and Trademark Office on May 16, 2007.

Sandra L. Blackmon

If there is a problem with this transmission please call the sender at the number above.

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PATENT
Attorney Docket No. 102.0003-05000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 1113
Gary Karlin Michelson)	
Serial No.: 10/692,545)	Group Art Unit:: 3731
Filed: October 24, 2003)	Examiner: Uyen T. Ho
For: SYSTEM FOR RADIAL BONE)	
DISPLACEMENT)	(Issue Fee paid: April 18, 2006)

MS ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF ISSUE FEE TRANSMITTAL FORM

Submitted herewith is an Issue Fee Transmittal Form for the above-identified application. It is requested that the Issue Fee in the amount of \$1,400.00 (previously paid on April 18, 2006) be applied to this submission. A copy the Decision dated June 16, 2006 is submitted herewith.

If there is any deficiency or additional fee due in connection with the filing of this submission, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: May 16, 2007

By: 
Thomas H. Martin
Registration No. 34,383

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